

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

<b>IN RE:</b>	)	<b>CHAPTER 13</b>
<b>PAUL DAVID GREEN</b>	)	<b>CASE NUMBER G14-22333-JRS</b>
	)	
<b>DEBTOR</b>	)	

**MOTION TO DISMISS**

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court as follows:

1.

Debtor filed a petition for relief under Chapter 13 of Title 11.

2.

Debtor has failed to tender all plan payments due in accordance with the confirmed plan. As of 8/23/2016 the Trustee received a total of \$9,119.00. The Trustee's records indicate the amount delinquent is \$2,709.00. A receipt history is attached and marked exhibit A.

Wherefore, the Trustee prays that this case be dismissed or in alternative that the Debtor proposes a modification to meet the requirements of the confirmed plan that ensures that the plan is completed within the allowable time.

This the 26th day of August, 2016.

/s/ \_\_\_\_\_  
Maria C. Joyner  
Attorney for the Chapter 13 Trustee  
State Bar No. 118350  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201

**EXHIBIT "A"**

CASE NO: G14-22333-JRS  
PAUL DAVID GREEN

08/23/2016

**RECEIPT HISTORY OVER THE LAST 12 MONTHS**

<u>DATE</u>	<u>TYPE</u>	<u>SOURCE</u>	<u>AMOUNT</u>
July 27, 2016	EMPH	81356	\$375.00
June 27, 2016	EMPH	81075	\$375.00
May 31, 2016	EMPH	80696	\$375.00
May 03, 2016	EMPH	80417	\$375.00
April 04, 2016	EMPH	80148	\$375.00
February 22, 2016	EMPH	79672	\$375.00
January 26, 2016	EMPH	79397	\$375.00
January 07, 2016	EMPH	79157	\$375.00
December 01, 2015	EMPH	78837	\$750.00
October 15, 2015	EMPH	78314	\$375.00
August 27, 2015	EMPH	077834	\$375.00
<b>Receipt Total:</b>			<hr/> <b>\$4,500.00</b>

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	)	
<b>DEBTOR</b>	)	

**NOTICE OF HEARING ON MOTION TO DISMISS CASE**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed a Motion to Dismiss and related exhibits with the Court seeking an Order of Dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on **September 22, 2016 at 9:30 AM in Room 103, 121 Spring Street, SE, Gainesville, GA. 30501.**

Failure to appear at the hearing or failure to resolve the matter prior to the hearing may result in the dismissal of your case. You should read this motion carefully and discuss it with your attorney, if you have one in your bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the dismissal of your case, you and/or your attorney must attend the hearing unless you have settled the matter prior to the hearing.

This the 26th day of August, 2016.

/s/ \_\_\_\_\_  
Maria C. Joyner  
Attorney for the Chapter 13 Trustee  
State Bar No. 118350  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201

**CERTIFICATE OF SERVICE**

Case No: G14-22333-JRS

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Motion to Dismiss by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

**Debtor(s):**

PAUL DAVID GREEN  
1653 PAT COLWELL RD  
BLAIRSVILLE, GA 30512

**Attorney for the Debtor(s):**

WALDEN, GOODHART, HARDEN & NEW, LLC  
315 W. PONCE DE LEON AVENUE  
SUITE 757  
DECATUR, GA 30030

This the 26th day of August, 2016.

/s/ \_\_\_\_\_  
Maria C. Joyner  
Attorney for the Chapter 13 Trustee  
State Bar No. 118350  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201